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RECEIVED

FEB 28 2005

UTAH STATE  
INSURANCE DEPT.

**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**STIPULATION  
&  
ORDER**

**RESPONDENT:**

SCOTT B. TROST  
3981 S. 700 E., Suite 10  
Salt Lake City, UT 84107  
License No. 91489

Docket No. 2005-027 PC

Enf. Case No. 1600

**STIPULATION**

1. Respondent, Scott B. Trost, is a licensed insurance agent in the State of Utah, holding License No. 91489.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
  - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
  - b. Respondent admits the Findings of Fact and Conclusions made therefrom;
  - c. Respondent stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

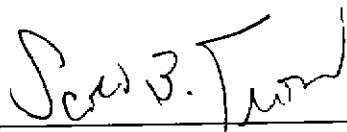
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.


4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 21<sup>st</sup> day of February, 2005.

  
\_\_\_\_\_  
SCOTT B. TROST

  
\_\_\_\_\_  
UTAH INSURANCE DEPARTMENT  
~~M. Gale Lemmon~~, Assistant Attorney General  
Bryce H. Pettey

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

### **FINDINGS OF FACT**

1. Respondent submitted an application for renewal of his insurance agent's license on or about October 26, 2004, in which he certified that he had completed all required continuing education requirements.

2. The department undertook a routine audit of Respondent's continuing education compliance on or about November 16, 2004, and found that respondent had completed only one hour of the required 18 hours. Respondent was allowed 30 days to complete the required hours of continuing education and provide evidence thereof to the department. Respondent completed the required hours of continuing education within the 30 days allowed.

3. Respondent had failed to complete the required continuing education prior to submitting his previous application for renewal of his license in 2002, and received a letter of admonition at that time.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

### **CONCLUSIONS OF LAW**

1. In certifying that he had completed the required continuing education when such was not the case, Respondent violated Utah Code Annotated §§ 31A-23a-402(1)(a)(i), and 31A-2-202(6).

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the

Presiding Officer herewith enters the following Order:

**ORDER**

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of \$750.00, to be paid in 10 equal monthly payments of \$75.00, the first payment due within 30 days of the date of this Order.

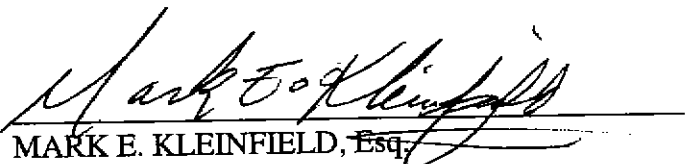
2. Respondent's insurance agent's license is placed on probation for the period of 24 months beginning with the date of this Order. The terms of the probation are that Respondent shall pay the forfeiture assessed herein in a timely manner; shall complete all required continuing education prior to submitting his next application for renewal of his license; and shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.

**NOTIFICATION**

You are hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license, and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.

DATED this 3<sup>rd</sup> day of March, 2005.

D. KENT MICHIE  
INSURANCE COMMISSIONER

  
MARK E. KLEINFELD, Esq.  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800

CERTIFICATE OF MAILING

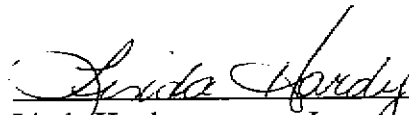
I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

**STIPULATION  
&  
ORDER**

To the following:

**Scott B. Trost  
3981 S 700 E Suite 10  
Salt Lake City, UT 84107**

DATED this 3<sup>rd</sup> day of March, 2005

  
Linda Hardy Insurance Technician  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901  
(801) 538-3813

**Invoice****Due Date** 01-02-2006**Amount Due**

\$750.00

**Invoice ID** 237259**Payor ID** 37148**Total Amount Remitted** \$

Make Checks Payable To:

**Utah Insurance Department****3110 State Office Building****Salt Lake City, UT 84114-6901**SCOTT B TROST  
3981 S 700 E STE 10  
SLC UT 84107**Invoice ID** 237259**Payor ID** 37148**Invoice Print Date** 03-03-2005**Items:**

03-03-2005 Monetary Penalty Individual

750.00

**Amount Due..... \$750.00**